PATENT
601-1-078DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Alexey G. Ryazanov et al.

SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN

FILED : HEREWITH ART UNIT : UNKNOWN

FOR : ELONGATION FACTOR-2 KINASE (EF-2 KINASE), AND METHOD OF USE THEREFOR

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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(Name of Registered Representative)

Martha Bussanich 11/27/01
(Signature and Date)

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Prior to the calculation of the filing fees and the commencement of the processing of the instant Application and in accordance with the Rules of Practice, please enter and consider the following amendments and remarks:

IN THE CLAIMS:

Please cancel Claims 1-49 without prejudice.

Please add the following Claims:

-- 50. An antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10.

51. An antibody to a human eEF-2 kinase capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising the amino acid sequence of SEQ ID NO:2.

52. A monoclonal antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10.

53. An immortal cell line that produces a monoclonal antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10.

54. An antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10, said antibody labeled with a detectable label.

55. The antibody of Claim 54 wherein the label is selected from enzymes, chemicals which fluoresce and radioactive elements.

56. A radioactively labeled antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of

eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10.

57. An active fragment of an antibody to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10, said active fragment selected from the group of Fab, Fab', $F(ab')_2$ and Fv fragments.

58. A pharmaceutical composition comprising:

A. a therapeutically effective amount of an antibody directed to a eukaryotic elongation factor-2 kinase (eEF-2 kinase) capable of phosphorylating an amino acid within an alpha helical domain of eukaryotic elongation factor-2 (eEF-2), said kinase comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4 and SEQ ID NO:10, or an active fragment of said antibody; and,

B. a pharmaceutically acceptable carrier.

REMARKS

Claims 1-49 have been canceled without prejudice. New Claims 50-58 are presented to focus the present application on the subject matter for which examination is sought. Support for the newly presented claims can be found generally through Applicants' Specification.

Fees

No fees are believed to be necessitated by the foregoing amendments. However, authorization is hereby given to charge any underpayment, or credit any overages, to Deposit Account No. 11-1153.

CONCLUSION

Applicants respectively request entry of the foregoing amendment and remarks in

the file history of the application. In view of the above, early and favorable action on the merits is courteously solicited.

Respectfully submitted,

KLAUBER & JACKSON

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